



CAMPEAU GOODSSELL SMITH, L.C.
SCOTT L. GOODSSELL, #122223
WILLIAM J. HEALY, #146158
440 N. 1st St., #100
San Jose, California 95113
Telephone: (408) 295-9555

IT IS SO ORDERED.
Signed June 10, 2014

ATTORNEYS FOR
Plaintiff Campeau Goodsell Smith, L.C.

A handwritten signature in black ink, reading "Arthur S. Weissbrodt".

Arthur S. Weissbrodt
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

In re:

TELEPATH CORPORATION,

Debtor.

Case No. 03-56788-ASW

CHAPTER 11

**ORDER GRANTING EX PARTE
APPLICATION FOR ORDER OF
EXAMINATION AND WRIT OF
EXECUTION (FRCP 69)**

The Court, having read and consider the ex Parte Application for Order of Examination and Writ of Execution (FRCP 69) ("Application") submitted by Campeau Goodsell Smith ("CGS" or "Administrative Claimant") relative to the outstanding and unpaid order approving CGS's Administrative Claim (Memorandum Decision on Campeau Goodsell Smith Final Fee Application (Docket#486)) and having found good cause, does hereby grant the Application and therefore,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that:

1. The Application is granted;
2. The Order of Examination attached hereto as Exhibit A is issued such that Debtor Telepath is ordered to appear and testify in accordance with the Order of Examination on July 18, 2014 at 2:30 PM; and
3. The Writ of Execution attached hereto as Exhibit B is issued.

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End of Order

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Court Service List

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): William J. Healy, Esq. (SBN 146158) Campeau Goodsell Smith, L.C. 440 N. 1st St., #100 San Jose, CA 95112 TELEPHONE NO.: 408-295-6606 FAX NO.: ATTORNEY FOR (Name): Campeau Goodsell Smith, L.C.		FOR COURT USE ONLY
NAME OF COURT: United States Bankruptcy Court (Northern District Cal) STREET ADDRESS: 201 S. First St. MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95112 BRANCH NAME:		
PLAINTIFF: In re Telepath Corporation DEFENDANT:		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		
		CASE NUMBER: 03-56788-ASW

ORDER TO APPEAR FOR EXAMINATION

- TO (name): Telepath Corporation
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: July 18, 2014 Time: 2:30 p.m. Dept. or Div.: Rm.: 3020
Address of court ☒ shown above ☐ is:

- This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):
Campeau Goodsell Smith, L.C.

Date:

JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
applies for an order requiring (name): Telepath Corporation to appear and furnish information
to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
 - ☒ the judgment debtor.
 - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- ☐ This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 9, 2014

William J. Healy, Esq. (SBN 146158)

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

(Continued on reverse)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): William J. Healy, Esq. (SBN 146158) Campeau Goodsell Smith, L.C. 440 N. 1st St., #100 San Jose, CA 95112 TELEPHONE NO.: 408-295-9555 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Campeau Goodsell Smith, L.C. <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF United States Bankruptcy Cour STREET ADDRESS: 201 S. 1st St MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME:	
PLAINTIFF: In re Telepath Corporation DEFENDANT:	
WRIT OF <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	CASE NUMBER: 03-56788-ASW

1. **To the Sheriff or Marshal of the County of:** Alameda or United States Marshall

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process server:** You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): **Campeau Goodsell Smith, L.C.**

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor (name and last known address):**

Telepath Corporation
48810 Kato Road Ste. 300E
Fremont, CA 94538
800-292-1700

☐ Additional judgment debtors on next page

5. **Judgment entered on (date):**

March 11, 2011

6. ☐ **Judgment renewed on (dates):**

7. **Notice of sale under this writ**

- a. ☒ has not been requested.
 b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

9. ☐ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total judgment \$ **38,645.46**

12. Costs after judgment (per filed order or memo CCP 685.090) \$ **n/a**

13. Subtotal (add 11 and 12) \$ **n/a**

14. Credits \$ **20,000.00**

15. Subtotal (subtract 14 from 13) \$ **18,645.46**

16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) ... \$ **n/a**

17. Fee for issuance of writ \$ **n/a**

18. **Total (add 15, 16, and 17)** \$ **18,645.46**

19. **Levying officer:**

(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of. \$ **n/a**

(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) \$ **n/a**

20. ☐ The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Issued on (date):

Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

PLAINTIFF: In re Telepath Corporation	CASE NUMBER:
DEFENDANT:	03-56788-ASW

— Items continued from page 1 —

21. ☐ Additional judgment debtor (name and last known address):22. ☐ Notice of sale has been requested by (name and address):23. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date):

a. on (date):

b. name and address of joint debtor:

b. name and address of joint debtor:

c. ☐ additional costs against certain joint debtors (itemize):24. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:a. ☐ Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. ☐ Possession of personal property.☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.c. ☐ Sale of personal property.d. ☐ Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVEDWRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).